UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

*Official Records*

THIRD COMMITTEE
8th meeting
held on
Wednesday, 14 October 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. KRENKEL (Austria)

CONTENTS

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)*

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

* Items considered together.

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

92-56984 6047S (E)

Distr. GENERAL
A/C.3/47/SR.8
19 October 1992

ORIGINAL: ENGLISH

/...

The meeting was called to order at 10.15 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

1. The CHAIRMAN, on behalf of all the members of the Committee, expressed sympathy to the Government of Egypt in connection with the recent earthquake in its country.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1, A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, A/47/412, A/47/433; A/C.3/47/3)

2. Mr. KHALIFA, Special Rapporteur, introducing his updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa (A/47/480 and Add.1), drew attention to a new section (II) on the effects of sanctions in South Africa. His regularly updated list, within the sanctions process as a whole, had been instrumental in bringing the Government of South Africa to the negotiating table. Sanctions, especially financial sanctions and the resulting capital shortage, had put an unbearable strain on the economy. Economic constraints had also forced the South African Government to withdraw from Angola and Namibia.

3. Ever since President de Klerk's "wind-of-change" speech of 2 February 1990, which had been a mere declaration of intent, and particularly since the 17 March 1992 referendum, there had been concerted efforts, especially in some media circles, to allay the concern of the world community and ease the pressure on South Africa by painting a rosy, but distorted, picture of the situation. Three years after that speech, the main issue, eliminating apartheid, remained an elusive target, while white South Africa had escaped world wrath, shed most sanctions and regained acceptance politically, economically and culturally. While the so-called "legal pillars" of apartheid were said to have been brought down, blacks still did not have the right to vote. Apartheid remained deeply ingrained in the economy, culture, demography and soul of the people. Blacks had no means to buy land, benefit from a proper education or appropriate medical services, or secure jobs or better jobs. The present regime had not addressed the question of glaring inequalities and the just distribution of resources. Meanwhile, many African and other States had hastened to establish trading, financial and business contacts with South Africa, without waiting for the establishment of an interim Government or for tangible proof of the regime's stated intentions.

4. The power of sanctions, which had peaked between 1985 and 1989, had begun to dwindle by the second half of 1990 and had since collapsed. The United Kingdom had triggered the movement by lifting sanctions early in 1990, followed by the European Community and the United States. Within the United Nations itself both the Centre against Apartheid and the Centre on

(Mr. Khalifa)

Transnational Corporations had been downgraded by the appointment of more junior officials at their head. The optimism displayed in some United Nations bodies was incompatible with a realistic assessment of the situation and with the moderate position of Mr. Mandela, endorsed by the Commonwealth Heads of Government (with the exception of the United Kingdom) advocating a phased approach linking any change in the application of sanctions to practical progress towards ending apartheid.

5. It was most distressing to note that the international community was relaxing its pressure at a time of unprecedented violence in South Africa. Notwithstanding the National Peace Accord signed on 14 September 1991, with its Code of Conduct for political parties and organizations, factional violence continued unabated and the South African authorities were unable or unwilling to bring it to an end. An independent survey conducted by the International Commission of Jurists had found that the Government was in a position to put an end to the violence in less than six months, and yet the authorities were fanning the flames by siding with one black party against others in order to serve their own purposes and preserve the status quo. It was now widely believed that there was a third force within the army and the police force, fomenting discord among black communities. Such forces must be brought under multiparty control and some kind of United Nations international monitoring operation. The Government should be required to disband all its special forces units, halt its "hit squad" activities, repeal repressive legislation, prosecute all members of the police force involved in fomenting violence and ban the carrying of dangerous weapons, including cultural weapons. The blacks of South Africa also bore their share of the blame, since tribalism and ethnic jealousies did not augur well for future democracy. Meanwhile, given the current situation, the negotiations could be expected to remain stalemated for months or even years. The prospects for the economy and for the quality of life of all South Africans were bleak. In that context, could it be said that pressure was no longer needed?

6. Now that the sanctions edifice had crumbled and collaboration with South Africa was no longer a source of shame, there was little point in pursuing the work on the updated lists he had been preparing for the past decade. He now wished to be relieved of that task, in the belief that the list should be replaced by other ways of helping to bring an end to apartheid. Political will and muscle must be used to deliver a clear message to Mr. de Klerk that until he had enfranchised the black majority, he would neither win peace at home, keep his stature abroad nor regain foreign investments or financial support.

7. Given the local context and the resurgence of the most flagrant forms of racism and intolerance in the world, there was little hope that racism would be wiped out over night in South Africa. However, the regime there opposed even the preliminary steps towards establishing the constitutional machinery that would permit such an accomplishment in the near future. In the current explosive circumstances, time was running out. The only alternative to a

(Mr. Khalifa)

negotiated settlement was recourse to force and the eruption of violence - a senseless outcome in a country in which the legitimate majority would inevitably bring about change.

8. In conclusion, he expressed gratitude to all for their support and sympathy, since he had now undoubtedly come to the end of his mandate.

9. Mr. BERNALES BALLESTEROS, Special Rapporteur, introducing his preliminary report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/47/412), said that visible progress had been made in the exercise of the right of self-determination in Africa in recent years. The sovereignty of several African States had been strengthened and external aggression had diminished, with the result that mercenary activities had declined, as could be seen from section II of the report. Progress had been particularly marked in southern Africa.

10. In Angola, the 1991 peace agreements had effectively put an end to a long conflict. The process of national reconciliation had progressed considerably and the way had been prepared for the establishment of a democratic regime as a result of multiparty elections monitored by international observers. The mercenary activities which had caused so much damage to the country were at an end. The Angolan people were now effectively exercising their right to self-determination and, barring any new complaints, the Special Rapporteur's mandate in Angola could be considered complete.

11. Some progress had been made in the internal conflict in Mozambique. Although armed opposition by the guerrilla organization RENAMO had continued and mercenaries had been involved in the war, the Rome talks between the Government of Mozambique and RENAMO had resumed, leading to a peace agreement which would require the full support of the international community.

12. Apartheid was a system of racial discrimination based on crimes against humanity and mass violations of human rights. The use of mercenaries had been one means of imposing and maintaining apartheid, as well as impeding the self-determination of other African peoples. The participation of mercenaries in conflicts in the region and their use in attempts on the lives of leaders of the African National Congress (ANC) were the subject of a number of judicial investigations currently under way in South Africa which had confirmed the participation of mercenaries in criminal activities.

13. Although the considerable progress had been made in dismantling the apartheid regime, there was still serious opposition to that process which had resulted in situations of extreme violence. In spite of the present climate, in which groups of the white minority, working with well-known mercenaries, were using violence and fomenting ethnic conflict to prevent the black majority from winning equal civil and political rights, the dismantling of apartheid had continued. Recent weeks had seen a resumption of the political dialogue between the Government and opposition forces, particularly ANC. The

(Mr. Bernales Ballesteros)

continuation of that dialogue and the conclusion of agreements ensuring democracy and participation under a new constitutional system in South Africa were very important. That process must receive every support; at the same time, international pressure must be maintained until apartheid was completely dismantled and a democratic system guaranteeing the full and equal enjoyment of human rights for all the population was established.

14. With regard to the armed conflicts in the former Yugoslavia, his report was provisional and mainly contained information on complaints of mercenary involvement in the conflict. Verification of the information received, consideration of official communications from Governments and an analysis of the situation in the field were essential in order to make recommendations for helping restore peace in the region.

15. The principal victim of the war in Bosnia and Herzegovina was the civilian population. Some 75 per cent of the territory of that Republic was involved in the armed conflict. The dead and wounded numbered in the thousands; thousands more had lost their homes and become refugees. Worse still, as part of the practice of "ethnic cleansing", various concentration camps had been established where the most basic human rights were being violated. Reports of the presence of mercenaries had been received from official sources, non-governmental organizations and the international press, linking mercenaries to crimes, torture, disappearances and other types of atrocities. As usual, mercenaries had appeared because they profited from war, human suffering and death.

16. Slovenia, Croatia and Bosnia and Herzegovina were sovereign Member States and had the right to defend themselves and organize their armies. The exercise of that right, and even the temporary presence in their armies of international volunteers, was a completely different matter from the use of mercenaries, who sought to prolong and intensify conflict for their own purposes.

17. There were numerous reports of serious violations of human rights by mercenaries, who were often described as "paramilitary forces". The number of foreigners participating in the armed conflicts in the territory of the former Yugoslavia, their status and how they had been recruited were questions which must be clarified in order to determine responsibilities. If mercenaries had violated human rights and international law, the culpability of those who had recruited and hired them should also be determined. Various United Nations resolutions had condemned the use of mercenaries, and it was within that framework that the involvement of foreign mercenaries in the armed conflicts in the former Yugoslavia must be ascertained.

18. He was in direct communication with all the States concerned, with a view to obtaining information on the status of foreign personnel involved in military activities in the former Yugoslavia and the legal basis for their involvement. The possibility of a visit in situ was also being considered. Since completing his report, he had received communications from the

(Mr. Bernales Ballesteros)

Governments of Slovenia and the Federal Republic of Yugoslavia in response to letters he had sent them asking about the presence of mercenaries in the conflicts in the region. Those communications would be included in his next report, along with information on his meetings with representatives of the Federal Republic of Yugoslovia, Croatia, Slovenia and Bosnia and Herzegovina.

19. The international community could not ignore the serious reports of the participation of mercenaries of various nationalities in the war and their involvement in the most appalling crimes against the civilian population. Those reports must be investigated in order to prove the presence of mercenaries and take the necessary measures to end their participation. That task must be carried out in close coordination with the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the Commission of Experts to be set up to investigate the evidence of atrocities, in order to restore peace and ensure respect for life and human rights as the basis for relations between the States of the region.

20. Mr. JAAFARI (Syrian Arab Republic) said that the changes and upheavals that had taken place in the world required the creation of a consensual international system capable of safeguarding the interests of States and maintaining the achievements made in the areas of law, justice and the dignity of peoples and nations. Within that context, the situation in South Africa was still a source of extreme concern. His Government welcomed the repeal or amendment of certain key racist laws, but wondered whether the Government was genuinely committed to ending repression and violence against the non-white population. Syria strongly supported the demands of the overwhelming majority of the people of South Africa for a democratic, non-racist society. In instigating bloody battles among the black population and fomenting tribal and ethnic strife, the Government of South Africa was seeking to plunge the South African people into a murderous civil war in order to distract them from their just struggle for legitimate rights. As the legislative and political progress made so far fell short of the demands of the people of South Africa, the international community must continue to exert pressure on the Government of that country until legitimate international demands were met with concrete action. It was necessary to maintain economic sanctions and to review the effectiveness of the mechanisms for their application in achieving the desired results.

21. The Palestinian people, too, had been living under foreign occupation and suffering from inhumane Israeli practices and policies for decades. Israel's purported attempts to find complicated formulas for combining the continued Israeli occupation of Arab territories with the exercise by the Palestinian people of its right to self-determination were completely spurious and far from what had been intended by the sponsors of the Madrid Peace Conference. Making the right of self-determination subject to selective explanations and interpretations divested that right of its moral value. The international community had affirmed that the achievement of peace in the Middle East depended on Israel's withdrawal from all Arab territories occupied by force and war and the guaranteeing of the legitimate national rights of the

(Mr. Jaafari, Syrian Arab Republic)

Palestinian people. Rather than complying with the wishes of the international community, Israel was following a course that was directly opposed. After doing everything in its power to delay the peace process, it was continuing to build settlements, fire on hundreds of women, children and youths demanding the release of 80,000 Palestinian prisoners held in Israeli detention camps, close schools and even, in its selective archaeological practices, seek to obliterate Palestinian history. Distorting history could not serve the purposes of a just and comprehensive peace in the region, nor could security and stability be achieved at the expense of any party. Israel must refrain from expelling Palestinians and settling Jewish immigrants on the land of Palestinians, 60 per cent of whom lived in exile.

22. The United Nations had made considerable progress towards achieving the goals of the Second Decade to Combat Racism and Racial Discrimination. His delegation hoped that the Committee would be able to recommend the adoption of a programme of action for the third decade to combat racism and racial discrimination shortly and to preserve the achievements made in the fields of the elimination of racism and the right of peoples to self-determination.

23. Mr. BAILLARGEON (Canada) said that racial discrimination was one of the greatest challenges facing the international community at the current time. As a multicultural country, Canada had made race relations an integral part of its multiculturalism policy since 1982. Action to combat racism and eliminate systemic discrimination involved institutions in all sectors of Canadian society. A constitutional reform was being carried out to strengthen existing guarantees and protection of the rights of minorities and give native peoples a greater measure of social and economic justice.

24. While racism was still a universal problem, South Africa continued to symbolize racism established as a system of government. The new South Africa was opening up increasingly to the outside world and developing political and social structures, but eradicating its racist heritage was a long and arduous process. While there had been considerable progress in the past three years, the political situation seemed to have become stalemated. It was gratifying to note that the international community had responded favourably to the request by the South African Government and various non-governmental organizations to send international observers to assist the National Peace Secretariat established in 1991 under the National Peace Accord. Although the legacy of over 40 years of institutionalized racism could not be wiped out overnight, the establishment of a climate of peace and the pursuit of a productive political dialogue were essential to South Africa's future. In the meantime, the international community must not forget those who were still deprived of the most basic civil and electoral rights.

25. Every society had a duty to fight the virus of racism and racial discrimination within its own borders. Current events in the former ugoslavia demonstrated the proportions that that virus could attain. Canada had protested, in the strongest possible terms, against the abhorrent practice of "ethnic cleansing", whatever its reason and wherever it was being

(Mr. Baillargeon, Canada)

practised. The first special session of the Commission on Human Rights and the appointment of a Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia were very important developments in the evolution of United Nations human rights mechanisms. Canada agreed wholeheartedly that there must be effective coordination between the Special Rapporteur's initiatives and those of other multilateral bodies, especially the London Conference and the Security Council. His delegation hoped that there would be increased cooperation within the international community in dealing with that crisis.

26. Significant progress had been made in recent decades in defining and codifying the rights of individuals to equality, protection and development. Canada would work with other countries to develop an effective programme of action for the proposed third decade to combat racism and racial discrimination. His Government was pleased that the discussions on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities were complete. States must do everything in their power to ensure that the declaration was implemented. Canada also welcomed the decision taken by the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination with regard to the funding of the Committee on the Elimination of Racial Discrimination and urged the General Assembly to adopt the proposed amendment to the Convention as soon as possible in order to improve the Committee's functioning.

27. Ms. JONSDOTTIR-WARD (Iceland), speaking on behalf of the Nordic countries, said that the interrelationship between peace and the prevention of racism was becoming increasingly evident. In the past year, the world had witnessed fearful sequences of killings deriving from discrimination in several regions of the world.

28. The Nordic countries had always condemned racism and strongly supported all efforts to eliminate it. They acknowledged the efforts of the United Nations in drafting international standards in that field, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. It was ironic that at a time when the Committee on the Elimination of Racial Discrimination (CERD) was faced with an increased workload, its sessions had been curtailed because of persistent financial shortfalls. The Nordic countries called upon all States parties concerned to meet their financial obligations under the Convention and urged the General Assembly to approve the amendment to the Convention proposed by the State parties to ensure financing for CERD.

29. Because the fight against racism and racial discrimination was far from over, the time had come to prepare for a third decade to combat those evils. Both CERD and the Subcommission on Prevention of Discrimination and Protection of Minorities should play key roles in drafting the programme of action for the third decade, which should emphasize clearly defined priorities and coordination of efforts. In planning for the future, it was important to recognize the changing nature of racial problems. Ethnic minorities,

(Ms. Jonsdottir-Ward, Iceland)

refugees, migrant workers, indigenous peoples and other vulnerable groups were the new victims of racism and racial discrimination and the entire range of political, social, economic, historical and cultural factors underlying the current wave of racism needed to be taken into consideration.

30. The Convention for a Democratic South Africa (CODESA) had provided a successful starting-point for democratic reforms in South Africa and must receive the continued support of the international community. The negotiating process, in which so many hopes had been placed, had been stalled by the eruption of violence and must be given renewed impetus. The recent summit meeting between President de Klerk and Nelson Mandela was only a start. The violence must be halted and the South African Government must protect the lives and property of all its citizens. All parties must remain committed to achieving democracy by peaceful means. The Nordic countries continued to provide assistance to victims of apartheid and urged other countries to do the same.

31. The transition to democracy in some regions had been accompanied by heightened ethnic and racial tensions, giving rise to economic disruption and forced migration. The Nordic countries strongly condemned the practice of "ethnic cleansing" in the former Yugoslavia. They endorsed United Nations efforts to put an end to that practice and to prosecute those responsible for mass and flagrant violations of human rights.

32. Racism was a global phenomenon. Recent events served as a reminder that racism could occur anywhere unless firm action was taken to discourage it. It was incumbent on every Government to ensure that racial prejudice was eliminated through legislation, training and education. In the home, parents must teach their children tolerance and equality: commitment on a personal level was a prerequisite for success on the national and international levels.

33. Mr. THEUERMANN (Austria) said that an extensive body of international legal instruments affirming the principle of the dignity and equality of all human beings without distinction had been established, with the International Convention on the Elimination of All Forms of Racism and Racial Discrimination at its core. After two decades of effort, however, old forms of discrimination had not yet fully disappeared and new forms, such as growing nationalism and xenophobia in response to increasing migration, were emerging. His delegation therefore supported the proposal for a third decade to combat racism and racial discrimination. It was concerned that, while the workload of the Committee on the Elimination of Racial Discrimination (CERD) was increasing, its sessions had been substantially reduced because of the failure of many States parties to pay their outstanding contributions, it supported the funding of CERD from the United Nations regular budget.

34. The case of the former Yugoslavia demonstrated that racism and racial discrimination could lead a country and even an entire region into war and destruction. Austria had already expressed its abhorrence of the policy of "ethnic cleansing" and welcomed the measures taken by the Security Council and

(Mr. Theuermann, Austria)

other United Nations bodies, including the holding of the first special session of the Commission on Human Rights and the appointment of a Special Rapporteur. The holding of a special session had underlined the need for clearer procedures to be followed in the case of gross violations of fundamental human rights. His delegation hoped that the proposed emergency mechanism of the Commission on Human Rights would be formally established without delay.

35. The situation in South Africa should remain under the close scrutiny of the international community. Further delay in the negotiating process could lead to further violence, the fragmentation of society, economic decline and despair, thereby intensifying the vicious circle of violence. Austria called upon all parties to make constructive contributions to the establishment of a climate conducive to negotiations.

36. The right of all peoples to self-determination had been one of the most influential legal principles of the twentieth century. Its invocation had permitted the eradication of colonialism and had brought the process of decolonization almost to completion. The quest for self-determination had also brought about fundamental changes in Central and Eastern Europe. The international covenants and other international instruments provided no definition of that right, however, nor any standards for invoking it. His delegation agreed that that right could be defined only on a case-by-case basis and that it was not identical with a right to secession. During the decolonization process, the creation of new sovereign States had been the prevailing method of implementing that right, but other modes could be found. Realization of the right to self-determination meant, first of all, the establishment of an internal order based on good governance, respect for human rights and fundamental freedoms and political accountability, in order to allow all the people of a country to participate in the decision-making process. Democracy, political freedom and the holding of periodic and genuine elections were essential elements. The United Nations and other international organizations could play an important role in assisting the electoral process, and his Government was prepared to increase substantially its contribution in that field. The international community should also use all instruments at its disposal to ensure respect for the results of democratic elections. The tragic situation in Haiti, in particular, called for intensified action.

37. Austria subscribed fully to the Secretary-General's view that the sovereignty, territorial integrity and independence of States and the principle of self-determination must not be permitted to work against each other. The quest of a deprived people for self-determination went to the very foundation of international relations. Such claims were primarily requests to find a new design for a common political future, to be chosen by the people. New processes might be needed to address such claims, however. Statesmanship, vision, tolerance and self-restraint on all sides were needed to resolve such situations peacefully.

38. Mr. MARUYAMA (Japan) said that his delegation associated itself with the many other delegations that had expressed support for the idea of continuing to pursue the goals of the Second Decade to Combat Racism and Racial Discrimination. Rather than proclaiming a third decade, however, it might be more practical to establish a five-year programme, upon completion of which a review and appraisal of changing conditions and achievements to date would determine whether the programme should be continued for a full 10 years. His delegation also supported the idea of appointing a thematic rapporteur or working group to address the issue of current manifestations of racism, racial discrimination and xenophobia. In that connection, his Government had provided substantial support to the Trust Fund for the Programme of Action for the Second Decade.

39. One of the most urgent issues before the Committee at the current session was how to compensate for the failure of many States parties to live up to their financial obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. His Government understood the difficult economic situation of States parties which had been obliged to delay fulfilling their obligations. Transferring those obligations to the United Nations regular budget might provide a quick and easy remedy, but an initiative with such profound and wide-ranging implications should be studied carefully, taking due account of General Assembly resolution 46/83. His delegation reserved its position on the matter pending a complete study of the issue by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). In any event, clear criteria must be established for determining which human rights treaty bodies should receive resources from the regular budget.

40. Turning to the situation in South Africa, his Government welcomed the recent agreement reached between President de Klerk and Nelson Mandela and the resumption of negotiations between the Government and the African National Congress (ANC). It hoped that Inkatha would resume its dialogue with the South African Government and would make further efforts to improve relations. At the same time, mass demonstrations and political rallies should be conducted in such a way as to avoid violence.

41. Another major barrier to the creation of a democratic society in South Africa was the great disparity in socio-economic conditions. The Government of Japan had increased its contributions to United Nations trust funds and non-governmental organizations providing assistance to the victims of apartheid. It had also accepted an increasing number of non-white South African trainees under a programme offered by the Japan International Cooperation Agency. His Government agreed fully with members of the Commission on Transnational Corporations who were advocating a shift of emphasis in order to determine how transnational corporations might promote economic and social development in a democratic South Africa. His delegation hoped that the positive role of transnational corporations would be given greater attention in future studies.

(Mr. Maruyama, Japan)

42. With regard to self-determination, Japan utterly condemned the policy of "ethnic cleansing". It endorsed Security Council resolutions 771 (1992) and 780 (1992) and urged all parties to the conflict in Bosnia and Herzegovina to do everything in their power to bring such inhuman acts to an end.

43. The role of the United Nations in promoting the peace process in Angola had shown the Organization at its best. Although it was not yet certain that the election results had been accepted by all parties, his delegation sincerely hoped that Angola would become a model for future United Nations peace activities. His Government believed that the comprehensive peace treaty signed in Mozambique would accelerate the movement towards peace in other regions of Africa.

44. His delegation reaffirmed its commitment to combating racism and promoting human rights and fundamental freedoms, which were possible only if peoples enjoyed the right of self-determination.

45. Mr. NECAJ (Albania) said that on the basis of the principle of self-determination, many countries which had suffered under colonial rule or foreign aggression and occupation had won their independence and become an important factor in international relations. The search for self-determination was still in progress, however, as demonstrated by the disintegration of multinational States which had been created and held together by force.

46. The relationship between the right to self-determination, territorial integrity of States and the rights of minorities must be addressed. Current problems in the Balkans stemmed from the policy of partition and domination applied by the various Powers which had ruled the region. Denial of the right of peoples to self-determination on the pretext of preserving the territorial integrity of States, and the treatment of those peoples as minorities had led to tragic conflicts. No nation in a multinational State could be treated as a minority. Current conflicts had not been caused by recognition of the right to self-determination and secession; on the contrary, they had resulted from the denial of those rights.

47. Secession was one way in which the right of peoples to self-determination was exercised. Much had been said about the territorial integrity and the inviolability of the borders of States which had in fact extended their territories illegally by force during the first half of the twentieth century. International law should not be used to protect a fait accompli brought about in violation of the principles of law and order. The recent experience of the former Soviet Union and the former Yugoslavia showed that peoples should be allowed to exercise their right of self-determination even if it jeopardized territorial integrity. Other methods of conflict resolution should, of course, be explored, but maintaining the status quo to the detriment of future peace, stability and security would fail to establish a sound foundation for the new world order. Independent States were reluctant to accommodate separatist claims for fear that they would threaten internal

(Mr. Necaj, Albania)

order and the stability of the international system. However, developments in international law and General Assembly resolutions recognizing the right of self-determination would seem to allow the principle of self-determination to be invoked, under certain circumstances, as the basis for legitimate secession.

48. Yugoslavia, a multinational State created in the aftermath of the Balkan wars and the First World War, had ceased to exist. Some of its peoples had achieved self-determination, but others were still locked in a life-or-death struggle. The world was shocked by the atrocities being committed in Bosnia and Herzegovina, but the policy of "ethnic cleansing" had first been employed against the Albanian majority in Kosova. In 1981, the Albanian population of Kosova had begun demonstrating against the communist dictatorship imposed by Serbia. It had taken more than eight years for the international community to begin giving cautious moral support to the Albanians in Kosova, because of the prevailing view that a strong Serbia as the central force would guarantee a strong Yugoslavia. It had become increasingly clear, however, that Serbian terror was the real cause of the disintegration of Yugoslavia. Albanian confidence in Yugoslavia had diminished steadily since the Serbian military administration had taken over Kosova in 1945, to the point where it was now non-existent. Since Yugoslavia had no future, Albanians in Kosova were demanding their independence so that they could resolve their own social and economic problems. Their demand for sovereignty was not motivated solely by economic considerations, but by the desire to preserve their language, educational system and traditional culture.

49. The Serbian response to the Albanian offer of dialogue had been to threaten repression and the colonization of Kosova by Serbs. A policy of forcible expulsion and assimilation against Albanians in Kosova had long existed. The only course of action open to Kosova Albanians was therefore to secede from Yugoslavia. If the majority of the population voted for secession in a referendum, the final stage would be independence. Serbia and Kosova Albanians would then negotiate the details of an orderly transition. The independence of Kosova was not an end in itself, but a means of achieving peace and stability in the region and restoring confidence and cooperation between Albanians and Serbs.

50. Ms. RADELINA (Madagascar) said that racism and racial discrimination were a violation of human rights and incompatible with fair and democratic societies and with the principles of the Charter of the United Nations. The struggle against racism must be waged at the international and national levels, with the United Nations playing a key role.

51. She wished to stress the importance of measures to promote the objectives set forth in the international instruments designed to combat racism and racial discrimination. Public information campaigns and education were of particular significance. History courses should emphasize that colonialism, slavery and genocide were manifestations of racial discrimination. Attention had recently been drawn to some historical events which might merit reassessment: Pope John Paul II had recognized that mistakes had been made in

(Ms. Radelina, Madagascar)

the name of evangelization; newspapers had published a photograph of Willy Brandt kneeling before a memorial to the Jewish victims of the Warsaw ghetto; and South African President de Klerk had made a public apology for the policy of apartheid.

52. While the steps taken to eliminate apartheid in South Africa were encouraging, much remained to be done. Her Government continued to support all constructive initiatives designed to halt the violence and speed up the democratic process in South Africa.

53. Her delegation was concerned about the emergence of new forms of racism, which were directed towards the most vulnerable population groups, whose situations were made even more precarious by lack of adequate education, health care and employment opportunities. It looked forward to the adoption at the current session of the General Assembly of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

54. Her Government endorsed the launching in 1993 of a third decade to combat racism and racial discrimination and stressed that any new approach should be based on a thorough understanding of the historical and current causes of racism. Activities for a third decade should place greater emphasis on the socio-economic impact of discriminatory practices between countries and the effects of racial discrimination on national economies. The work of the Committee on the Elimination of Racial Discrimination should be financed from the United Nations regular budget.

55. Her delegation wished to reaffirm the importance of the right of peoples to self-determination as a necessary condition for the enjoyment of human rights. The right to self-determination was not simply a question of national independence; in the broader context, it meant that peoples and nations should be free to participate in a universal movement towards democracy. In that connection, there were a number of encouraging signs world wide: the United Nations operation in Cambodia appeared to have the support of both sides; the recent agreement between President de Klerk and Nelson Mandela was paving the way for a resumption of the constitutional negotiations in South Africa; and the political situations in Angola, Mozambique and El Salvador were improving. Her Government was also encouraged by signs of progress in the Middle East and wished to reiterate its support for the full exercise of the inalienable rights of the Palestinian people. On the negative side, it strongly condemned the practice of "ethnic cleansing" in Bosnia and Herzegovina.

56. The use of mercenaries threatened international peace and security, violated human rights and was an obstacle to the exercise of the right of peoples to self-determination. Her delegation endorsed the recommendations contained in the report of the Special Rapporteur on the question of the use of mercenaries and welcomed the decision by the Economic and Social Council to extend his mandate for three years.

57. Mr. HYON Hakbong (Democratic People's Republic of Korea) said that racism and racial discrimination remained a serious problem. At the same time, a great deal of progress had been made during the two Decades to Combat Racism and Racial Discrimination and, in that connection, his Government endorsed the proposed elements of a draft programme of action for a third decade.

58. There had been a number of positive developments in South Africa, including the removal of the so-called "legal pillars" of apartheid, the release of political prisoners and the start of constitutional negotiations, yet the task of building a united, democratic South Africa remained fraught with difficulties: most recently, the democratization process had been stalled as a result of the Boipatong and Ciskei massacres.

59. A democratic South Africa could be achieved only through peaceful means and in that connection, he welcomed the recent agreement between President de Klerk and Nelson Mandela. The international community should refrain from taking any premature action to ease the pressure on South Africa, as that would only delay the eradication of apartheid, and should act strictly in accordance with the relevant United Nations resolutions and international instruments.

60. The right of peoples to self-determination merited particular attention. The evolution in international relations had given new impetus to the dream of a world free from oppression. As a member of the international community, every nation, regardless of its size and level of development, was entitled to choose freely its own political and economic system and to act on the basis of the principles of national sovereignty, self-determination and non-interference in the internal affairs of States. Many countries were still being deprived of those rights, however. The international community must put a stop to privilege and arbitrary practices and devote itself to developing friendship and cooperation among countries. It should not tolerate any attempt to interfere in the internal affairs of countries or to impose unfair blockades and pressures on them.

61. His delegation wholeheartedly supported the struggle of peoples to safeguard their national sovereignty and to exercise their right of self-determination, in particular the struggle of the Cambodian people and the struggle of the Palestinian and other Arab peoples to find a just solution to the Middle East conflict.

62. Mr. BHAGAT (India) said it was ironic that while the winds of change blew across the globe, the system of apartheid continued in South Africa. He hoped that under the leadership of Nelson Mandela, South Africa would become a non-racial and democratic society in the not too distant future. Developments over the past two years, including the signing of the National Peace Accord and the start of constitutional negotiations, were encouraging. However, the repeal of certain legislation, such as the Population Registration Act, the Land Areas Act and the Group Areas Act, had only begun to address the issue of legal reforms. Moreover, the recent outbreaks of violence threatened the

(Mr. Bhagat, India)

gains already made. While the September 1992 summit had opened the way for a resumption of the negotiations, a number of other steps were necessary to safeguard that process: the violence must be halted immediately; the liberation movements must unite behind Nelson Mandela; and the release of political prisoners must be addressed satisfactorily. The presence of United Nations observers should also contribute to a resumption of the negotiating process.

63. The United Nations had been the most vocal and effective leader in the fight against racism. While considerable advances had been made during the Second Decade to Combat Racism and Racial Discrimination, there was clearly a need for a third decade. Future action should focus on practical measures, including legislation to protect and provide recourse to victims of racial discrimination; remedial measures for political prisoners and detainees, particularly women and children; and affirmative action, an area in which his Government had been successful.

64. It was unfortunate that activities under the Programme of Action for the Second Decade had had to be curtailed because of lack of funds. States needed to back up their verbal pledges with financial contributions. His delegation believed that the General Assembly should approve the proposed amendment to the International Convention on the Elimination of All Forms of Racial Discrimination, which would provide for the Committee on the Elimination of Racial Discrimination to be funded from the United Nations regular budget.

65. It was alarming that a new variant of racial discrimination was emerging in Europe, targeting religious and economic minorities and refugees from developing countries. Concerned democratic Governments must take firm action to put a stop to that menace before it assumed dangerous proportions.

66. While the world's attention was elsewhere, Fiji had quietly institutionalized racism and racial discrimination. His delegation earnestly hoped that the Government of Fiji would renounce its discriminatory policies, return to democracy and fulfil its pledge to review its Constitution with a view to eliminating any racist features.

67. According to the report of the Special Rapporteur on the subject, the use of mercenaries was on the rise in spite of universal condemnation of this abhorrent practice, which was a blatant violation of human rights. His Government strongly condemned the use of mercenaries to infiltrate borders, commit murder and sabotage and promote terrorism among innocent peoples and against legitimate Governments.

The meeting rose at 1 p.m.